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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,872	08/09/2001	Lucile Wybouw-Cognard	450110-03508	3829

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EXAMINER

TSAI, CAROL S W

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/925,872

Applicant(s)

WYBOUW-COGNARD, LUCILE

Examiner

Carol S Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities:

In claim 10, “operate according to claim 9” should read

- - perform the method of claim 9 - -.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,905,856 to Ottensooser.

With respect to claims 1-3, and 9, Ottensooser discloses a test automation framework for testing software applications including: a memory for storing at least one test scenario including a test application, at least one input and an expected output (see col. 3, lines 1-10 and lines 48-54 and col. 11, lines 55-61); select means for selecting a test application according to the contents of the selection memory (see col. 3, line 11 to col. 4, line 13 and col. 5, lines 7-62); prepare means for operating a predetermined prepare process for building the test application according to the

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results of the input selection means and storing a log file (see col. 2, lines 21-39 and col. 13, lines 12-46); run means for operating a predetermined run process for running the test application according to the results of the input selection means and for storing a log file (see col. 5, lines 26-50 and col. 6, line 55 to col. 7, line 25); verify means for operating a verify process for verifying the results of the test application according to the results of the input selection means and for storing a log file and means for outputting a report of the tests which can include at least extracts of the preparation log file, the run log file and the verify log file if an error occurred (see col. 2, lines 28-44; col. 3, lines 17-44; col. 5, lines 26-42; col. 7, lines 53-64; and col. 12, lines 30-62).

Ottensooser does not disclose expressly an input selection means for selecting one or more test scenarios and, for each selected test scenario, selecting how to prepare, run and verify a test application and a selection memory for storing the results of the input selection means, but it is considered inherent, because test scripts designed by a software programmer in either a Korn Shell or a C Shell format that include control flow statements, such as IF, ELSE, and ELSEIF, to provide general decision-making capabilities, are known to be very common, necessary, and required steps for a software programmer to code in order that the order in which computations or operations can be specifically selected for performing.

As to claim 4, Ottensooser also discloses means for performing a sanity check on the results of the input selection means and, in the case of an error, aborting in all tests and reporting an error (see col. 12, lines 30-34).

As to claim 5, Ottensooser also discloses means for preparing exit status codes from the prepare process and the run process prior to performing respectively the run process and verify

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process and for abandoning the respective test when the exit status codes are not OK, wherein the report of the tests can include at least extracts from the log files where the exit status codes were not OK (see col. 5, lines 26-37).

As to claim 10, Ottensooser also discloses a computer readable storage medium having recorded thereon code components that, when loaded on a computer and executed, will cause that computer to operate (see col. 3, lines 11-16 and col. 3, line 55 to col. 4, line 19; and col. 5, lines 6-10).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ottensooser in view of U. S. Patent No. 5,742,754 to Tse.

As noted above, Ottensooser discloses the claimed invention, except for a mailer for sending the results of the tests to one or more preselected users.

Tse teaches a mailer for sending the results of the tests to one or more preselected users (see col. 5, lines 50-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ottensooser's test automation framework to include a mailer for

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sending the results of the tests to one or more preselected users, as taught by Tse, in order that many test engineers or personnel can exchange or process test data between workstations (see Tse col. 2, lines 43-45).

***Allowable Subject Matter***

6. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Izumi et al. disclose test data for each item and listing item information defining an item of a listing.

Arnaw discloses a system and method in which the correctness of computer code fragments may be tested.

Gunter et al. disclose a method for visualizing and testing a sequence of a software code that includes instructions relating to assignment of variables, and decision branches.

Mongan discloses a test generator generating tests by randomly traversing a description of the interface of a program being tested, thereby generating tests that contain randomly selected actions and randomly generated data.

Testardi discloses methods and associated structures and systems for automating software

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test procedures so as to enable automated black box and white box testing techniques to be performed in an automated manner.

Enokido et al. disclose a test specification generation system which utilizes a repository of design information entered in a design process so as to enhance operational efficiency of a testing process.

Sivakumar et al. disclose a test management system having high flexibility of test structuring capabilities, and fine-grained control over how tests being executed.

Hinckley discloses a test automation system for performing functional tests of software program.

Hayes et al. disclose a test driver generator being provided for generating test drivers from test function designations and attribute value specifications of software interfaces.

Pio-di-Savoia et al. disclose an auto-checking testing function generator being provided for generating auto-checking testing functions for procedures of a software interface from a formal specification specifying the procedures.

### ***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a

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general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

04/30/03

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
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